

REMARKS

Claims 1-22 are pending in this application. By this Amendment, claims 9 and 16 have been amended. Applicants do not acquiesce in the correctness of the objections and rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicant reserves the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the above amendments and following remarks is respectfully requested.

In the Office Action, claim 9-22 are rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Applicants have amended independent claims 9 and 16 and respectfully contend that the claims are directed towards statutory matter. Since claims 10-14 and 17-22 depend on claims 9 and 16, Applicants also contend that these claims are directed towards statutory matter.

In the Office Action, claims 1-22 are rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Kagan et al. (U.S. Publication No. 2002/0152315). Applicants submit that the claimed subject matter is allowable for the reasons that follow.

With respect to independent claims 1, 9 and 16, Applicants submit that Kagan fails to disclose each and every element of the claims. More specifically, Kagan does not disclose “placing each out-of-order RDMA message to a buffer” as recited in claim 1 and similarly recited in claims 9 and 16. Rather, Kagan discloses “packets sent to HCA 22 over network 26 are received at an input port 70, which performs data link and buffering functions.” (See paragraph [0058]). All data received in Kagan is processed through a buffering function regardless of

alignment of the DDP segments. Applicant's invention specifically discloses only out-of-order RDMA messages are to be placed in the buffer. As such, Kagan does not disclose each and every feature of claims 1, 9, and 16 and these claims are allowable. Furthermore, as claims 2-8, 10-15, and 17-22 depend on claims 1, 9, and 16, Applicants contend that these claims are also allowable. Therefore, Kagan does not anticipate the claimed invention, and Applicants respectfully request withdrawal of the rejection.

In view of the foregoing arguments, Applicants respectfully submit that the application is in condition for allowance. Should the Examiner believe that anything further is necessary to place the application in better condition for allowance, he is requested to contact Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,

/Spencer K. Warnick/

Spencer K. Warnick
Reg. No.: 40,398

Date: November 7, 2007

Hoffman, Warnick & D'Alessandro LLC
75 State Street, 14th Floor
Albany, New York 12207
Telephone (518) 449-0044
Facsimile (518) 449-0047